

# Pepper spray

It is now legal in Wisconsin to possess pepper spray made from oleoresin of capsicum (OC). Following are some of the most common questions about OC products and the law:

## What is OC or pepper spray?

OC or pepper spray refers to an aerosol canister which contains oleoresin of capsicum (OC). The OC is extracted from plants and contains active ingredients which, when expelled, cause uncontrollable burning on skin, breathing trouble, swelling in the eyes until they shut and continual draining of sinuses. The symptoms end after about 45 minutes without any permanent health problems.

## Who may possess OC or pepper spray?

You must be over the age of 18 to possess or use pepper

spray. In addition, it is only legal to use OC or pepper spray if you are defending yourself or your property.

Only products with an OC concentration of 10 percent or less are now legal in Wisconsin. It is still illegal to possess or use other tear gas products in Wisconsin.

## Where can OC or pepper spray be bought?

Many brands of OC products are currently available from retailers throughout the state. Merchants that carry OC or pepper spray products must keep them apart and separate from other store inventory. Ideally, the products should be kept in an enclosed area within the store.

OC and pepper spray products sold in Wisconsin must comply with rules established by the Wisconsin Department of Justice. Although the rules control sellers and not users,

it may be wise for Wisconsin consumers to purchase OC products in Wisconsin. Products sold in other states may be mixed with other tear gas substances. It would be illegal to possess these products in Wisconsin.

OC and pepper spray products sold in Wisconsin must:

- Have a total weight of not less than 15 grams (approximately a half ounce) nor more than 60 grams (which is approximately two ounces).
- Have a minimum effective range of six feet and a maximum effective range of 20 feet;
- Look like a conventional aerosol canister and not be made to appear like another product (an OC spray made to look like a pen for example);
- Have a label which includes the amount of OC, its range, expiration date, ingredients, first aid

information and a reminder that the product can't be used by people under 18.

- Have a tamper-proof package and a mechanism to prevent an inadvertent discharge; and
- Include all of the label information on the outside package, along with a phone number that consumers can use to contact the manufacturer for further information.

### **What if pepper spray is used for a purpose other than defense?**

It is a class A misdemeanor to use OC or pepper spray in an inappropriate way. A class A misdemeanor carries a possible maximum penalty of \$10,000 or nine months in jail or both.

It is a class E felony to use or threaten to use OC or pepper spray to commit a crime. A class E felony carries a possible maximum penalty of \$10,000 or two years in prison or both.

It is a class D felony to use OC or pepper spray against a law enforcement officer. A class D felony carries a pos-

sible maximum penalty of \$10,000 or five years in prison or both.

For more information, contact the Bureau of Consumer Protection at:

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